



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Jennifer Steingasser, Deputy Director

DATE: May 10, 2011

SUBJECT: BZA Case 18220 request for special exception relief to construct a rear addition to an existing dwelling at 2435 Kalorama Rd., NW

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of special exception relief pursuant to §§223 and 3104 to permit the enclosure of the existing deck to the single-family dwelling, not meeting the lot occupancy, rear yard and side yard requirements of the R-1-B District at 2435 Kalorama Rd. NW.

II. LOCATION AND SITE DESCRIPTION

Applicants	Stuart and Wilma Bernstein		
Address	2435 Kalorama Rd., NW		
Legal Description	Square 2502, Lots 48	Ward 2 and ANC 2D	
Lot Characteristics	Flat rectangular lot.		
Zoning	R-1-B –single family detached dwellings		
Existing Development	Single detached dwelling, permitted in this zone; Garage located under the existing deck; Driveway from Kalorama Road.		
Adjacent Properties	Single-family detached residences and chancery.		
Surrounding Neighborhood Character	Predominantly single family with some chanceries.		
Historic Resources	In the Commission of Fine Arts area and the Sheridan-Kalorama Historic District.		

III. PROJECT DESCRIPTION IN BRIEF

The applicant proposes to enclose the existing 434.5 sf outdoor deck space at the western end of the home to provide a glass-enclosed sitting and entertainment area or orangery. Another deck, 343.66 sf in area, is located at the east corner of the home and would be reduced in size. The proposal would reduce the existing non-conforming lot occupancy but the side yard and rear yard dimensions would remain unchanged.

IV. ZONING REQUIREMENTS

Item	Section	R-1-B	Existing	Proposed	Relief
Height	400	40' 3 stories	31' 3 stories	No change	Conforming
Lot Area	401	5,000 sf	7,500 sf	No change	Conforming
Lot Width	401	50'	75'	No change	Conforming
Lot Occupancy	403	40% 2,000 sf	50.6% 3,795 sf	49.8% 2,579 sf	Relief Requested
Rear Yard	404	25'	20.5'	20.5'	Existing Non-Conforming
Side Yard	405	8'	8'/2.8'	8'/2.8'	Existing Non-Conforming

V. ANALYSIS

223 ZONING RELIEF FOR ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-1) AND FOR NEW OR ENLARGED ACCESSORY STRUCTURES

223.1 *An addition to a one-family dwelling or flat, in those Residence districts where a flat is permitted, or a new or enlarged accessory structure on the same lot as a one-family dwelling or flat, shall be permitted even though the addition or accessory structure does not comply with all of the requirements of §§ 401, 403, 404, 405, 406, and 2001.3 ... as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.*

Single family detached dwellings are a permitted use in this zone. The applicant requests special exception relief under §223 from the requirements of §403, Lot Occupancy. OP suggests relief from the non-conforming rear and side yards be applied to this request, as they are also existing non-conformities.

223.2 *The addition or accessory structure shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:*

(a) *The light and air available to neighboring properties shall not be unduly affected;*

The proposed addition would not impact light or air available to abutting residences at the rear or to the west. The existing deck at the northeast corner of the residence has no impact on the light and air to the abutting property and this would be reduced in size as shown in the applicant's submission. There are large rear yards on the subject property and abutting properties that currently allow ample light and air and there would be little to no increased shadow on adjacent properties as a result of the glass-enclosed orangery addition to the west.

- (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;***

The privacy of neighboring properties would not be unduly compromised. The existing deck already extends beyond the rear of the neighbor's to the west, so that the enclosure would not affect any windows along the east elevation of the neighbor's property. The rendering provided by the applicant shows proposed plantings to the west of the glass enclosure that would be intended to screen visibility into the rear yard of the abutting property at the west. The subject property has large rear yards and the existing lush landscaping would also add to the privacy of the neighboring residents. The deck to the east would be pulled back from the east property line by approximately 14 feet and should not be visible from the rear of the neighbors home to the east.

- (c) The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage; and***

The addition would not intrude on the character of the neighborhood. Most of the proposed addition would not be visible from Kalorama Road. Furthermore, the addition would not substantially change the scale of the house, and the architecture of the enclosed orangery would be in keeping with the existing style of the home.

- (d) In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.***

The applicant has submitted elevations, floor plans and photographs that illustrate the existing site and the proposed addition.

223.3 The lot occupancy of all new and existing structures on the lot shall not exceed fifty percent (50%) in the R-1 and R-2 Districts or seventy percent (70%) in the R-3, R-4, and R-5 Districts.

With the proposed addition the lot occupancy would be reduced to 49.8%, less than the maximum 50% permitted in the R-1-B District.

223.4 The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.

The Office of Planning recommends no conditions or special treatments of the addition.

VI. HISTORIC PRESERVATION

The subject property is within the Sheridan Kalorama Historic District. The project is currently under review by staff of the Historic Preservation Office.

VII. COMMUNITY COMMENTS

ANC 2D expressed no objection to the project at its February 28, 2011 meeting.

Abutting neighbors stated no objection to the proposed deck renovations and the application is supported by their statements, included as Exhibit F of the applicant's submission.

VIII. CONCLUSION

The Office of Planning recommends approval of the proposed enclosure of the existing deck area to the west of the residence for a proposed orangery and the reduction in the deck's size to the east of the residence. The proposal would not introduce or expand the existing non-conformities, nor would it adversely impact the use of neighboring property. Therefore, there would be no harm to the intent of the Zoning Regulations or Map as required under Section 3104.